IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA)		
	Plaintiff,) 8:08CR204)
	vs.) DETENTION ORDER
GA	MALIEL MORENO-PEREZ,	
	Defendant.	}
A.	Order For Detention After conducting a detention hearing pursua Act on June 30, 2008, the Court orders the ato 18 U.S.C. § 3142(e) and (i).	ant to 18 U.S.C. § 3142(f) of the Bail Reform above-named defendant detained pursuant
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 	
C.	contained in the Pretrial Services Report, X (1) Nature and circumstances of th X (a) The crime: a conspirate distribute methamphetar carries a minimum ser maximum of life impridistribute methamphetar of five years imprisonment. (b) The offense is a crime of the control of	ne offense charged: by to distribute and possess with intent to mine (Count I) in violation of 21 U.S.C. § 846 intence of ten years imprisonment and a sonment; the possession with intent to mine (Count II) carries a minimum sentence ent and a maximum sentence of forty years of violence.
	may affect whe X The defendant X The defendant X The defendant X The defendant in the defendant tes. Past conduct of the defendant The defendant The defendant The defendant The defendant The defendant	appears to have a mental condition which ther the defendant will appear. has no family ties in the area. can have no steady employment. has no substantial financial resources. s not a long time resident of the community. does not have any significant community of the defendant: has a history relating to drug abuse. has a history relating to alcohol abuse. has a significant prior criminal record. has a prior record of failure to appear at

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	ne of the current arrest, the defendant was on: Probation
	Parole
	Release pending trial, sentence, appeal or completion of
	sentence.
(c) Other Fa	ctors:
<u>X</u>	The defendant is an illegal alien and is subject to
	deportation.
	The defendant is a legal alien and will be subject to
	deportation if convicted.
	The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal.
	Other:
	d seriousness of the danger posed by the defendant's
release are as f	ollows: The nature of the charges in the Indictment.
V (5) 5 1 4 11 5	
X (5) Rebuttable Presumptions	
In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)	
	finds the defendant has not rebutted:
X (a) That no	condition or combination of conditions will reasonably
assure th	e appearance of the defendant as required and the safety
	ner person and the community because the Court finds that
the crime	e involves:
	1) A crime of violence; or
X ((2) An offense for which the maximum penalty is life
V	imprisonment or death; or
<u>X</u> (A controlled substance violation which has a maximum penalty of 10 years or more; or
((4) A felony after the defendant had been convicted of two
	or more prior offenses described in (1) through (3)
	above, and the defendant has a prior conviction for one
	of the crimes mentioned in (1) through (3) above which
	is less than five years old and which was committed
	while the defendant was on pretrial release.
	condition or combination of conditions will reasonably
	e appearance of the defendant as required and the safety
	mmunity because the Court finds that there is probable
cause to X (1) That the defendant has committed a controlled
	substance violation which has a maximum penalty of
	10 years or more.
(2) That the defendant has committed an offense under 18
 ,	U.S.C. § 924(c) (uses or carries a firearm during and in
	relation to any crime of violence, including a crime of
	violence, which provides for an enhanced punishment
	if committed by the use of a deadly or dangerous
	weapon or device).

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

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- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: June 30, 2008. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge